

manner specified in the statute remains effective as a statute of the United States" within an area over which the State had ceded exclusive jurisdiction to the United States. The case involved a suit against a Government contractor engaged in the construction of a post office in the City of New York and arose from the failure of a subcontractor to comply with a certain building construction requirement of the New York Labor Law. The United States had acquired exclusive jurisdiction over the area within which the work was being done and the contractor, therefore, contended that it was not subject to the provisions of the State statute within that area; it also contended that compliance on its part with the requirement of the statute would amount to a direct interference with the Government. However, the Court disagreed on both points. It pointed out that the Constitution "has long been interpreted so as to permit the continuance until abrogated of those rules existing at the time of the surrender of sovereignty which govern the rights of the occupants of the territory transferred. This assures that no area however small will be left without a developed legal system for private rights." With respect to the contractor's claim of immunity from interference with Government operations, the Court said, "while, of course, in a sense the contract is the means by which the United States secures the construction of its post office, certainly the contractor in this independent operation does not share any governmental immunity."⁵

For a long time it was not made clear whether municipal laws in force at the time of cession become Federal laws or continue in force as laws of the ceding State. The Supreme Court of the United States never having expressly declared itself on the subject, the opinions of the lower Federal courts and State courts were in conflict. Some of the courts, both State and Federal, took the position that the laws continued in force as State laws, and are within the exclusive jurisdiction of the State courts, on the theory that enforcement of such laws by the State was not inconsistent with exclusive Federal authority, as it was within the power of Congress to repeal such laws at any time it might see fit. Other courts have held that the laws become Federal laws at the moment of the cession. Some idea of the confusion existing on the subject, even until a few years ago, may be seen in the contrary opinions rendered by different Judges of the same Federal District Court with respect to claims for personal injuries arising under similar circumstances within the Federal post office site at Kansas City, Missouri. One Judge,⁶ in holding that the State laws became Federal laws said, "when the

⁵ See also *Penn Dairies, Inc. et al. v. Milk Control Com. of Pa.*, 318 U. S. 261.

⁶ *Jewell v. Cleveland Wrecking Co.*, 28 Fed. Sup. 366; See also *Coffman v. Cleveland Wrecking Co. of Cincinnati*, 24 Fed. Sup. 581.